

Message Text

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ACTION L-03

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FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC 6061

AMCONGEN MUNICH

INFO AMCONGEN ANTWERP

NAVY DEPARTMENT/JAG

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E.O. 11652: N/A

TAGS: MILI, BE, US

SUBJECT: USS ZELLARS-MV JAN BREUGHEL COLLISION IN ANTWERP,
JUNE 25, 1964

REF: EXCHANGE OF CORRESPONDENCE (NOTAL) BETWEEN NAVY DEPARTMENT/
JAG MR. T.E. LOHREY AND EMBASSY BRUSSELS NAVAL ATTACHE

1. EMBASSY HAS RECEIVED NOTE FROM FOREIGN MINISTRY IN SUBSTANTATIVE PORTION OF WHICH IN EMBASSY TRANSLATION STATES "DURING AN OFFICIAL VISIT OF FOUR AMERICAN DESTROYERS TO ANTWERP ON JUNE 25, 1964, THE MOTOR VESSEL JAN BREUGHEL OWNED BY THE NV EUGENE HERBOSCH SHIPPING COMPANY OF ANTWERP WAS IN A COLLISION WITH THE USS ZELLARS (DD777). THE MINISTRY WOULD APPRECIATE IT IF THE EMBASSY WOULD GIVE AN INDICATION OF THE EMBASSY'S POSITION ON THE DIFFERENCES BETWEEN THE AMERICAN GOVERNMENT AND THE SHIPPING COMPANY WITH AN INDICATION OF HOW THIS NOT RECENT DISPUTE COULD BE RESOLVED".

2. BACKGROUND INFORMATION DEVELOPED IN CONSULTATION WITH ANTWERP ON THIS ALMOST 12-YEAR OLD CASE INDICATES THAT THE CIVIL COURT IN ANTWERP RENDERED A JUDGMENT IN FAVOR OF NV EUGENE HERBOSCH, THE OWNER OF THE BELGIAN VESSEL, ON DECEMBER 31, 1968, AND AWARDED THE FIRM DAMAGES TO THE PROVISIONAL AMOUNT OF 25,000 BF. THE USG RETAINED AN ANTWERP LAWYER (ANDRE VAES) WHO APPEALED AGAINST THIS
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JUDGMENT BY DEFAULT ON AUGUST 6, 1969. VAES, SINCE DECEASED,

NOTIFIED LEGAL OFFICER GERARD F. CHARIG AT AMCONGEN MUNICH
ON DECEMBER 1, 1971, THAT ACCORDING TO BELGIAN RULES OF
PROCEDURE AN APPEAL BLOCKED THE EXECUTION OF A DECISION UNTIL
THE COURT HAD RULED ON THE APPEAL. WE FURTHER UNDERSTAND
THAT THE ANTWERP COURT HAS NOT RULED ON THE APPEAL AS IT DECIDED IT
WAS NOT COMPETENT IN A CASE INVOLVING A FOREIGN GOVERNMENT.
VAES' PARTNERS HAVE INFORMED ANCOMGEN ANTWERP THAT THE
BELGIAN FIRM RAISED THE CASE WITH THE BELGIAN MINISTRY
OF FOREIGN AFFAIRS WHICH IN JUNE, 1972 CONTACTED THE
DEPARTMENT OF STATE. THIS EMBASSY AND ANTWERP HAVE NO
RECORDS OF THAT CONTACT.

3. ACTION REQUESTED: WOULD APPRECIATE INFORMATION ON
WHICH TO BASE REPLY TO FOREIGN MINISTRY NOTE. RENNER

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